

County Council of Berkeley County

NORWOOD BENTLEY
LEGAL DIRECTOR



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December 4, 2018

David A. Barnette, Esquire
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VIA ELECTRONIC MAIL:
dbarnette@jacksonkelly.com and
UNITED STATES MAIL

Dear David:

Thank you for alerting me to the FOIA response to your client from Sheriff Keller in Berkeley County. The Request, from Brad McElhinny, will be honored as legitimate despite the Sheriff's Office having indicated to your client that they would not honor it in the form of electronic mail.

Mr. McElhinny requested any video recording representing a November 19, 2018, altercation among police and a 16-year-old whom the police were attempting to apprehend.

The dash camera video that does exist pertaining to the incident on November 19, 2018, is from Berkeley County Sheriff's Office cruisers. Pursuant to West Virginia Code § 29B-1-4, the video is exempted from disclosure, at this time, because it is a record which deals with the investigation and detection of an alleged crime which was compiled as part on the inquiry into the suspected violations of the law. It is part of an on-going investigation of those allegations, the premature disclosure of which would compromise the criminal and administrative investigations.

The video will be released upon the Prosecuting Attorney's determination that the investigation is complete.

The Berkeley County Sheriff will assure the video's release to your client as soon as the Prosecuting Attorney makes that determination.

Very truly yours,

A handwritten signature in blue ink that reads "Norwood Bentley III".

Norwood Bentley III

cc: The Honorable Catie Wilkes Delligatti, Prosecuting Attorney
The Honorable Curtis Keller, Sheriff